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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,076

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EXAMINER

JONES, MARCUS D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,076	Applicant(s) KUBOTA ET AL.	
	Examiner MARCUS D. JONES	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>IDS(8 June 2006), IDS(12 October 2006), IDS(5 March 2007)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1, 5, 6, 8, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokipii et al. (US PGPub 2003/0190960).**

In reference to claim 1 and 8, the Examiner will interpret the phrase “means for...” as being treated under 35 U.S.C. 112, sixth paragraph.

In reference to claims 1 and 12, Jokipii discloses: A game progress administering system and method in which game terminal units to be operated by players are operated while being so connected via communication lines as to be able to communicate operation signals necessary for the progress of a game, thereby administering the progresses of competition games in a tournament made up of a plurality of rounds, comprising: participation receiving means for receiving the participation in the competition game from the game terminal units (pg 1, par 9), combination generating means for fitting participating terminal units, which are game terminal units whose participation was received by the participation receiving means, in combinations of the competition game tournament in accordance with a specified rule (pg 4, par 37), competition starting means for allotting one game space to one combination in accordance with the combinations generated by the combination generating means and instructing the participating terminal units to start the competition games in the respective rounds (pg 2, par 27), and competition ending means for instructing the participating terminal units to end competitions in the respective rounds in accordance with time limits for competition times set beforehand for the respective rounds at least up to the semifinal round and determining winning participating terminal units in accordance with the dominance in the progress statuses of the competition games when the competitions were ended (pg 4, par 45).

In reference to claim 5, Jokipii discloses: wherein the combination generating means fits the participating terminal units in the combinations of the competition game tournament so that the numbers of the participating terminal units fitted in the respective

combinations of the competition game tournament substantially coincide with each other (pg 4, par 37).

In reference to claim 6, Jokipii discloses: wherein the competition ending means instructs the participating terminal units to end the competition at a point of time when the progress status of the competition game becomes a predetermined status when no time limit is set for the final round (pg 4, par 38).

In reference to claim 8, Jokipii discloses: the competition game is a game simulating mahjong having a plurality of winds (pg 1, par 4-5), and the game progress administering system further comprises proceeding means for proceeding with the competition game in accordance with a tile discarding time that is a preset limit time from the draw of a tile to the discard of a tile (pg 3, par 36).

In reference to claim 13, Jokipii discloses the use of a computing device that may be a personal desktop, laptop, tablet computer, handheld computer, or mobile telephone (pg 3, par 30). It is inherent that a computing device contain a computer-readable recording medium on which the game progress administering program for a game a progress administering method and system is stored.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

In reference to claims 2, 3, 7 and 9, the Examiner will interpret the phrase “means for...” as being treated under 35 U.S.C. 112, sixth paragraph.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960).

In reference to claim 2, Jokipii discloses all the elements of this claim except for a participating terminal number counting means. It would have been obvious to include a terminal counting means in a tournament system as to know the appropriate number of participants to match up. Jokipii further discloses that if a opponent is a no-show or fails to respond after a certain time, the game is forfeited and the winning participant is advanced in the tournament and matched in the next round (pg 4, par 42).

In reference to claim 3, Jokipii discloses: further comprising combination interval setting means for setting the predetermined time in accordance with date and hour (pg 3, par 35).

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960) as applied to claims 1, 5, 6, 12 and 13 above, and further in view of Stephenson (US 6,174,237).

In reference to claim 4, Jokipii discloses all the elements of this claim except wherein the combination generating means allots the game terminal units to be virtually operated by CPU players as lacking game terminal units if the participating terminal number falls short of the maximum participating terminal number upon the lapse of the predetermined time. Stephenson teaches that the host computer has the ability to act

as another player if a game requires more than a single player that has not been matched (col 2, ln 19-21).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Jokipii and Stephenson to yield the predictable result of a tournament system that allows participants to play a computer operated player if they are not matched with another opponent.

In reference to claim 7, Jokipii further discloses the game progress administering system further comprises winner number setting means for setting the number of winners in one combination made up of the specified number of competitors for each round, and the competition ending means determines the number of winners set by the winner number setting means (pg 4, par 47). Jokipii is silent on the game being played by three or a specified larger number of competitors. Stephenson teaches that the maximum number of participants during the qualifying round is open-ended and the only restriction on the number of participants would be specific to the particular game of skill being played (col 3, ln 27-32).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Jokipii and Stephenson to yield the predictable result of a tournament system that has a minimum and a maximum number of participants.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960) as applied to the claims above, and further in view of Kuwana (US 7,285,050).

In reference to claim 9, Jokipii discloses all the elements of this claim. Jokipii further discloses rank storage means for storing ranks of the players representing strengths of the players based on past competition results in correspondence with identification information of the players (pg 2, par 27). Jokipii is silent on a discarding-time storage means. Kuwana teaches a discarding-time storage means for storing the tile discarding time for each rank (col 7, ln 62- col 8, ln 7), and the proceeding means reads the tile discarding time corresponding to the rank read by the participation receiving means from the discarding-time storage means, and conducts the competition game in accordance with the read tile discarding time (col 17, ln 15-19). Jokipii and Kuwana both disclose wherein the participation receiving means receives the identification information of the players and reads the ranks corresponding to the received identification information of the players from the rank storage means (*Jokipii*: pg 2-3, par 29, *Kuwana*: col 13, ln 34-42),

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Jokipii and Kuwana to yield the predictable result of a tournament system that matches participants based on their ranking and playing style.

In reference to claim 10, Jokipii and Kuwana disclose all the elements of this claim. Jokipii and Kuwana are silent on the higher the rank, the shorter the tile discarding time to be set in the discarding-time storage means. It is a matter of obvious design choice to give a participant less time to make a play if they have a higher rating or ranking to increase the excitement of playing the game.

In reference to claim 11, Jokipii and Kuwana disclose all the elements of this claim. Kuwana further discloses the proceeding means receives operation information to the effect of extending the tile discarding time from one participating terminal unit only a specified number of times for each round, and extends the tile discarding time only by a specified time if receiving the operation information to the effect of extending the tile discarding time from the participating terminal unit (col 11, ln 37-41, col 12, ln 5-13 and col 12, ln 24-36).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Jokipii and Kuwana to yield the predictable result of allowing a participant to pause or extend game play a certain amount of times throughout the tournament for strategic purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS D. JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/

Examiner, Art Unit 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714